

**Exhibit 4**

**State Court Order**

OS

ORIGINAL

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable Bernice D. Siegal  
Justice

IAS Part 5

-----X  
Jessica Angel Quiroz, Helen Quiroz,  
Lvnv Funding, LLC Mortgage Electronic  
Registration System, INC. As Nominee

Index No. 2523/09  
Motion Date: 6/10/09  
Calendar No. 15  
Sequence No. 2

For Aegis Funding D/B/A Aegis Home  
Equity, New York City Environmental  
Control Board, New York City Transit  
Adjudication Bureau, Rose Kazane

Plaintiff,

-against-

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE, HOMECOMINGS,

Defendant.  
-----X

QUEENS COUNTY  
CLERKS OFFICE  
FILED  
2009 JUL -9 A 10:52

The following papers numbered 1 to 4 read on this motion to  
dismiss.

	Papers
	<u>Numbered</u>
Notice of Motion-Affirmation-Exhibits.....	1-4

Upon the foregoing papers, it is ordered that this motion is  
determined as follows:

Defendant's motion to dismiss plaintiffs', Jessica Angel  
Quiroz and Helen Quiroz (hereinafter "Quiroz"), complaint pursuant  
to C.P.L.R. §§ 311, § 3211(a)(5) is granted, without opposition.

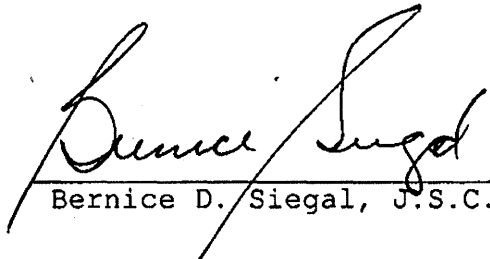
Firstly, pursuant to CPLR § 311, Quiroz failed to properly  
obtain personal jurisdiction over defendant U.S. Bank National  
Association, as Trustee, Homecomings (hereinafter "U.S. Bank"), as  
they improperly served defendant U.S. Bank by way of regular,  
first class mail with the United States Postal Service upon Steven

J. Baum P.C., the attorney for U.S. Bank in the prior foreclosure proceeding.

Secondly, in the prior foreclosure proceeding initiated by U.S. Bank against Quiroz, Quiroz raised several claims that they now raise again in the instant action. On April 17, 2008, the Hon. Lawrence V. Cullen granted U.S. Bank's Judgment of Foreclosure and Sale. On July 18, 2008 the Hon. Lawrence V. Cullen denied the Quiroz' motion seeking to cancel the foreclosure sale and vacating the Judgment of Foreclosure and Sale. The doctrine of res judicata provides that "once a claim is brought to a final conclusion, all other claims arising out of the same transaction or series of transactions are barred, even if based upon different theories or if seeking a different remedy." (O'Brien v. City of Syracuse, 54 NY2d 353 [1981].) "A judgment of foreclosure and sale entered against a defendant is final as to all questions at issue between the parties, and all matters of defense which were or might have been litigated in the foreclosure action are concluded." (New Horizon Investors, Inc v. Marine Midland Bank, N.A. 248 AD2d 449 [2d Dept 1998].)

Accordingly, the defendants' motion is granted, and the plaintiffs Quiroz' complaint is hereby dismissed.

Dated: July 1, 2009

  
Bernice D. Siegal, J.S.C.